



State Water Resources Control Board



Linda S. Adams
*Secretary for
Environmental Protection*

Executive Office

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Arnold Schwarzenegger
Governor

ENCLOSURE

ACTION ON REQUEST FOR CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR REGIONAL GENERAL PERMIT 41 FOR REMOVAL OF INVASIVE, EXOTIC PLANTS (PERMIT NO. 200301094-JMB)

PROJECT: Regional General Permit 41 (RGP 41) for Removal of Invasive, Exotic Plants within the Los Angeles (LA) District of the U.S. Army Corps of Engineers (Corps)

APPLICANT: Mr. David Castanon, Chief
Regulatory Branch
Los Angeles District
U.S. Army Corps of Engineers
911 Wilshire Boulevard
Los Angeles, CA 90053-2325

This Order (enclosure) responds to your request for Water Quality Certification (Certification) for the subject project. This Certification is intended to streamline the approval process which will allow the removal of invasive weeds for the purpose of habitat recovery.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

- 1 This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code (CWC) and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
- 2 This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application

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specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

ADDITIONAL CONDITIONS:

1. Notification:

Applicant of projects proceeding under RGP 41 shall provide a copy of the "Notification" package required by RGP 41 Condition No. 18 (see Attachment A) to the State Water Resources Control Board (State Water Board) and the appropriate Regional Water Quality Control Board (Regional Water Board). These copies shall be mailed at the same time, to:

- Program Manager
CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Program Manager
CWA Section 401 WQC Program
(Address of appropriate Regional Water Board, obtained from
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf)

2. Project Fees:

The prospective applicant must provide a fee for review and processing of the notice in accordance with CCR 23, section 2200 (\$77 as of October 2008, this amount is subject to change). If the applicant is not contacted by the Regional Water Board within 30 days of the postmarked date of the "Notification," the applicant may assume that the project meets the conditions of this certification order and may proceed with the project.

3. Extracted Plant Materials Stockpile:

Extracted plant materials stockpiled at sites known to experience flash flooding outside the flood season (April 14-November 14) shall be removed within 15 days of the initial creation of the stockpile in order to contain the potential spread of invasive, exotic plant material in such flash-flood prone areas.

4. Water Quality Standards Maintained:

Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.

5. Other Permits May Be Required:

This Certification does not obviate the need to obtain other permits that may be required by federal, State, or local authorities.



6. California Environmental Quality Act (CEQA):

Projects permitted under RGP 41 shall comply with CEQA.

7. California Endangered Species Act:

The discharge shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

8. Pollution:

The discharge shall not cause pollution, contamination, or nuisance as defined in Water Code section 13050.

9. Cumulative Impact:

The discharge by itself or in combination with other discharges shall not have a significant cumulative effect or degrade water quality or beneficial uses.

10. Channel Destabilization:

The discharge shall not directly or indirectly destabilize the channel or bed of receiving water.

11. Toxic Substances:

The discharge shall not include substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

12. Hazardous Substances:

The discharge shall not include waste classified as "hazardous" or "designated" as defined in Title 22 California Code of Regulations, section 66261 and Water Code section 13173.

ENFORCEMENT:

In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of Clean Water Act section 401(d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

In response to a suspected violation of any condition of this Certification, the State Water Board and/or applicable Regional Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any burden, including the costs of the reports, which shall be a reasonable relationship of the need for the reports and the benefits to be obtained from the reports.

The State Water Board and/or applicable Regional Water Board may add to or modify the conditions of this Certification, as appropriate, to ensure compliance.



EFFECTIVE DATE OF ORDER:

This Certification shall expire upon the expiration or retraction of the CWA section 404 permit issued by the Corps, or five (5) years from the date of issuance of this Certification, whichever comes first.


STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Darren Bradford at (916) 341-5558 (dbradford@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) if all of the conditions listed in this Certification are met. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the RGP 41 Project Description (Attachment A), the Project Information Sheet (Attachment B) and the 2008 Addendum and Final Negative Declaration (Attachment C); and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan.


Dorothy Rice
Executive Director
State Water Resources Control Board


Date

Attachments (3): A. Applicant's Project Description (RGP 41)
 B. Project Information Sheet
 C. 2008 Addendum and Final Negative Declaration

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